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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,762	03/21/2001	Kenneth R. Stockton	10004851-1	2417

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EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/813,762

Applicant(s)

STOCKTON ET AL.

Examiner

Tuan V Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9,11,12,14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) 7,8,10,13 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9,11,12,14-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/23/02, 11/07/02&.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

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1. This application contains claims directed to the following patentably distinct species of the claimed invention: according to the disclosure in page 3 of the specification, there are three different embodiments:

The first embodiment includes claims 1-6, 9, 11-12 and 14-18 (a digital camera includes a display device).

The second embodiment includes claim 7 (a digital camera includes an illumination device).

The third embodiment includes claims 8, 10, 13 and 19 (a digital camera includes an audio device).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which

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are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Lyren on 11/3/04 a provisional election was made without traverse to prosecute the invention of the first embodiment, claims 1-6, 9, 11-12, 14-18 and 20. Affirmation of this election must be made by applicants

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in replying to this Office action. Claims 7, 8, 10, 13 and 19 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

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named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Applicants' election of the first embodiment, claims 1-6, 9, 11-12, 14-18 and 20 without traverse is acknowledged. Claims 7, 8, 10, 13 and 19 are withdrawn from further consideration on the merits.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9, 11-12, 14-18 and 20 are rejected under 35

U.S.C. 102(e) as being anticipated by Anderson et al cited by Applicants (US 6,118,480).

With regard to claim 1, Anderson et al disclose in Fig. 1 a digital camera that comprise the digital camera of the type having the ability to perform at least one function (digital camera 110, col. 4, lines 4-19), display device (LCD 402, col.

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4, line 64), first switch having a first operative position and second operative position (after menu button 414 accessed so as to display a menu mode such as icons 720 on LCD 402, horizontal button 410a or 410b can be activated in a first operative position and second operative position by toggling first and second times so as to highlight icons 720, col. 9, lines 40-67), and information describing the use said least one function is displayable said display device when said first is switched from said first operative position said second operative position (contents of icons 720 and a list of menu items associated with each icon as shown in Fig. 10A and 10B describe at least one function displayed on LCD 402, col. 9, lines 55-67).

With regard to claim 2, Anderson et al disclose in Fig. 1 a digital camera that comprise the list items displayable said display device when said first switch is switched from said first operative position said second operative position (the list of menu items corresponding to camera features is displayed on LVD 402 as shown in Fig. 10A).

With regard to claim 3, Anderson et al disclose in Fig. 1 a digital camera that comprise the one item said list of items is selectable (displayed menu items on the list can be selected by using vertical button 411a or 411b, col. 9, lines 38-40).

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With regard to claim 4, Anderson et al disclose in Fig. 1 a digital camera that comprises the list of items is an index (lists of menu items shown in Fig. 10A and 10B are used to point out camera function operations; where the lists are considered as an index since the lists are used to represent camera functions).

With regard to claim 5, Anderson et al disclose in Fig. 1 a digital camera that comprise the processor and input device (CPU 344 is connected to button & dials circuits 404 and LCD 402; where buttons and dials generate signals to CPU 344 so as to display icons and list of menu items on LCD 402, col. 4, lines 46 and col. 5, lines 1-5).

With regard to claim 6, Anderson et al disclose in Fig. 1 a digital camera that comprise the second switch (vertical control button 411a or 411b is used to select menu items on the list by highlighting each item on the list when the button is toggled between a first and second operative positions as shown in Fig.

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10A or 10B, col. 9, lines 9, lines 39-40 and lines 62-67).

With regard to claim 9, Anderson et al disclose in Fig. 1 a digital camera that comprise the method of obtaining information relating to at least one function associated with a digital camera (digital camera 110 can select a camera function by using buttons 414 and 410), said method comprising: toggling first

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switch associated with said digital camera (horizontal control button 410a or 410b is toggled, col. 9, lines 40-59), and displaying information pertaining to said at least one function associated with said digital camera a display device associated with said digital camera upon said toggling said first switch (icons 720 and list of menu items are displayed on LCD 402 when buttons 410a or 410b is toggled, col. 9, lines 50-54).

With regard to claim 11, Anderson et al disclose in Fig. 1 a digital camera that comprise the list of items (the list of menu items is shown in Fig. 10A), selecting one items (vertical control button 411a or 411b selects menu items on the list), and displaying information related to the one items of the list of items (highlighted items is described information related to the selected items such as white balance or bracket meter as shown in Fig. 10B).

With regard to claim 12, Anderson et al disclose in Fig. 1 a digital camera that comprise the method of entering least one character said digital camera way an input device (horizontal control button 410a or 410b selects icons 720 that represents characters so as to enter the characters into CPU 344, col. 9, lines 40-54); displaying a least one item corresponding said at least one character (a list of menu items is displayed corresponding to a selected icon as shown in Figs. 10A or 10B);



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selecting at least one item on the list (vertical control button 411a or 411b); and displaying information pertaining to said at least one item (vertical control button 411 selects an item on the list; where each item is displayed an information pertaining to the selected item such as "White balance" or "Bracket meter" as shown in Figs. 10B).

With regard to claim 20, Anderson et al disclose in Fig. 1 a digital camera that comprise the switch having a first operative position and a second operative position (as discussed with respect to claim 1, horizontal control button 410 has first and second operative positions), means for information pertaining at least digital camera (CPU 344 including a conventional processor device for controlling operations of the camera; where non-volatile memory 350 inherently stores software programs used by CPU 344 to operate the camera, col. 4, lines 46-48; col. 5, lines 63-67); and means for displaying said information pertaining said at least one function associated

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with camera upon said first switch being toggled from operative position to said second operative position (LCD 402 displays icons 720 and list of menu items as shown in Fig. 10A or 10B).

With regard to claim 14, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the first

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switch (as discussed with respect to claim 1, horizontal control button 410a or 410b), display device (LCD 402), computer (computer 118, col. 4, line 9), computer-readable medium containing instruction for controlling said computer and said digital camera (computer 118 inherently includes non-volatile memory 350 that is used to store software routines to control camera operations, col. 4, lines 55-60 and col. 5, lines 65-67), by the steps of detecting the first operative position to said second operative position (after horizontal control button 410a or 410b toggled, the buttons generates signals to CPU 344 that detects the signals so as to perform displaying icons 720 and list of menu), and displaying information display device pertaining to the operation said digital camera upon said detecting of said first switch being toggled from said first operative position to said second operative position (CPU 344 controls LCD 402 so as to display icons 720 and list of menu items; where the icons and list of menu items are information pertaining to the operation of the camera such as white balance as shown in Fig. 10B).

With regard to claim 15, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the second switch and a third switch (vertical control button 411a or 411b and soft key 416), the displaying information comprises

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displaying at least one item pertaining to the operation said digital camera (LCD 402 display information pertaining to the operation such as white balance), and wherein said instructions said computer-readable medium further comprise (non-volatile memory 350 stores programmed instructions), the steps of detecting toggling of said second switch (CPU 344 detects positions of Button 410a or 410b); causing one of said at least one item to be displayed highlighted based on said toggling second switch (after toggling vertical control button 411a or 411b, the button selects menu items by highlighting the menu items move up or down, col. 9, lines 55-67 and Fig. 10A or 10B), detecting toggling said third switch (CPU detects toggling of soft key 416 so as to display a sub-level of menus, col. 10, lines 1-9), and displaying information on said display device pertaining to said one of said at least one item upon said detection of said toggling of said third switch (LCD 402 displays sub-levels of menu such as edit, next or more, col. 10, lines 1-9).

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With regard to claim 16, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the second switch and wherein said instructions of said computer-readable medium further comprise: detecting toggling of said second switch; displaying information device pertaining to the

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operation of said second switch (CPU 344 detects positions of vertical control button 411a or 411b after toggled so as to display the highlighted menu items as shown in Fig. 10B, col. 9, lines 55-67).

With regard to claim 17, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the input device for inputting at least one signal to said computer (control buttons 410 and 411) and wherein said instructions said computer-readable medium further comprise: the steps of detecting said at device (CPU 344 detects signals from control buttons 410 and 411), and displaying least one character on said display device that is representative of said at least one signal (control button 410a or 410b selects icons 720, where the selected icon including image and text that are displayed on LCD 402 as shown in Fig. 10a or 10B, col. 9, lines 55-67).

With regard to claim 18, furthermore, Anderson et al discloses in Fig. 1, a digital camera that comprises the instructions of said computer-readable medium further comprise: displaying at least one item on said display device corresponding to said at least one character (after toggling control button 410a or 410b, an icon in group icons 720 is selected and a list of menu item is also displayed corresponding the selected icons).

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Swayze (US 6,519,003) discloses a combination four-way directional and mode control switch.

Ejima et al (2002/0024604A1) discloses a camera interface that includes list of menu items.

Anderson (US 6,683,649) discloses a digital camera that includes switches and display items.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

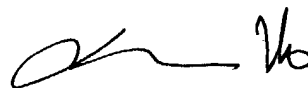
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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TUAN HO

Primary Examiner

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